

Jan 06 05 12:52p

Port Townsend Office

(360) 379-2434

p. 1



McDonnell Boehnen Hulbert & Berghoff LLP
Law Offices

RECEIVED
CENTRAL FAX CENTER
JAN 06 2005

Fax transmittal

To Commissioner for Patents

Date January 6, 2005

Company U.S. PTO

From Thomas A. Fairhall

Fax 1-703-305-8568

Direct 1-360-379-6514

Phone

Email fairhall@mbhb.com

Pages,
with cover

3

C/M 670/058

Re Recission of Previous Nonpublication Request

S.N.: 10/812,635

Applicant: Brian T. Cunningham

300 South Wacker Drive 312 913 0001 phone
Chicago, Illinois 60606-6709 312 913 0002 fax
www.mbhb.com

Please notify receptionist if all
pages are not received.
If you received this fax in error,
please notify us immediately by
phone (collect) to arrange for
return of the document.

This transmittal is strictly for
delivery only to the person listed
above. It may contain confidential
or privileged information, the
disclosure of which is prohibited.

Jan 06 05 12:52p

Port Townsend Office

(360) 379-2434

p.2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. 04-051)

In re Application of:)
Brian T. Cunningham) Group Art Unit: 2874
Serial No.: 10/812,635)
Filed: March 29, 2004)
For: Photonic Crystal Defect Cavity Biosensor) Confirmation No. 3485

TRANSMITTAL LETTER

Mail Stop PG Pub
Commissioner for Patents
P.O Box 1450
Alexandria, Virginia 22313-1450

In regard to the above identified application:

1. We are transmitting herewith the attached:
 1. Recission of Previous Nonpublication Request
2. With respect to additional fees:
 - A. ☒ No additional fee is required.
 - B. ☐ Attached is a check in the amount of \$0.
 - C. ☐ Charge the total additional fee to our Deposit Account No. 13-2490.
3. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2490. A duplicate copy of this sheet is enclosed.

4. **CERTIFICATE OF MAILING UNDER 37 CFR § 1.8:** The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1 hereinabove, is being submitted by facsimile to Commissioner for Patents, facsimile no. 1-703-305-8568, on this 6 day of January 2005.

By:



Thomas A. Fairhall
Reg. No. 34,591

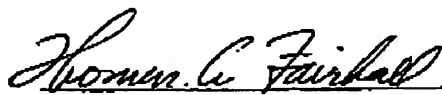

McDONNELL BOYDEN HULBERT & BERCHOFF LLP
300 SOUTH WACKER DRIVE
CHICAGO, ILLINOIS 60606
TELEPHONE (312) 613-0001
FACSIMILE (312) 613-0002

Jan 06 05 12:52p

Port Townsend Office

(360) 379-2434

P.3

RESCISSION OF PREVIOUS NONPUBLICATION REQUEST (35 U.S.C. 122(b)(2)(B)(ii)) AND, IF APPLICABLE, NOTICE OF FOREIGN FILING (35 U.S.C. 122(b)(2)(B)(iii)) Send completed form to: Mail Stop PG Pub Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 Fax: (703) 305-8568		Application Number	10/812635		
		Filing Date	March 29, 2004		
		First Named Inventor	Brian T. Cunningham		
		Title	Photonic Crystal Defect Cavity biosensor		
		Atty Docket Number	04-051		
		Group Art Unit	2874		
		Examiner	N/A		
<p>A request that the above-identified application not be published under 35 U.S.C. 122(b) (nonpublication request) was included with the above-identified application on filing pursuant to 35 U.S.C. 122(b)(2)(B)(i). I hereby rescind the previous nonpublication request.</p> <p>If a notice of foreign or international filing is or will be required by 35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c), I hereby provide such notice. This notice is being provided no later than forty-five (45) days after the date of such foreign or international filing.</p> <p>If a notice of subsequent foreign or international filing required by 35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c) was not filed within forty-five (45) days after the date of filing of the foreign or international application, the application is ABANDONED, and a petition to revive under 37 CFR 1.137(b) is required. See 37 CFR 1.137(f).</p>					
<u>January 6, 2005</u> Date		 Signature			
<u>360 379 6514</u> Telephone Number		<u>Thomas A. Fairhall</u> Typed or printed name			
This request must be signed in compliance with 37 CFR 1.133(b).					
CERTIFICATE OF MAILING OR TRANSMISSION I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as Express Mail, mailing label _____ in an envelope addressed to: Mail Stop PG Pub, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile ((703) 305-8568) transmitted to the U.S. Patent and Trademark Office on the date shown below.					
Name (Print/Type)	Thomas A. Fairhall				
Signature		Date	January 6, 2005		